

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

LEAGUE OF WOMEN VOTERS  
OF MICHIGAN, ROGER J. BRDAK,  
FREDERICK C. DURHAL, JR.,  
JACK E. ELLIS, DONNA E.  
FARRIS, WILLIAM "BILL" J.  
GRASHA, ROSA L. HOLLIDAY,  
DIANA L. KETOLA, JON "JACK"  
G. LASALLE, RICHARD "DICK"  
W. LONG, LORENZO RIVERA  
and RASHIDA H. TLAIB,

Plaintiffs,

v.

RUTH JOHNSON, in her official  
Capacity as Michigan  
Secretary of State,

Defendant.

---

Case No. 2:17-cv-14148

Hon. Eric L. Clay  
Hon. Denise Page Hood  
Hon. Gordon J. Quist

**NON-PARTY MICHIGAN**  
**REDISTRICTING RESOURCE**  
**INSTITUTE'S AMENDED**  
**MOTION TO QUASH SUBPOENA**  
**AND/ OR FOR PROTECTIVE**  
**ORDER**

---

Mark Brewer (P35661)  
Counsel for Plaintiff  
GOODMAN ACKER P.C.  
17000 West Ten Mile, Second Floor  
Southfield, MI 48075  
Telephone: 248-483-5000  
Fax: 248-483-3131  
MBrewer@goodmanacker.com

Jeffrey P. Justman  
Counsel for Plaintiff  
FAEGRE BAKER DANIELS LLP  
90 S. Seventh Street, Suite 2200  
Wells Fargo Center  
Minneapolis, MN 55402  
612-766-7000  
Jeff.justman@faegrebd.com

Joseph H. Yeager, Jr.  
Harmony A. Mappes  
Counsel for Plaintiff  
FAEGRE BAKER DANIELS LLP  
300 North Meridian Street, Suite 2700  
Indianapolis, IN 46204  
Telephone: 317-237-0300  
Fax: 317-237-1000  
Jay.Yeager@FaegreBD.com  
Harmony.Mappes@FaegreBD.com

---

Peter Ellsworth (P23657)  
Robert P. Young, Jr. (P28789)  
Ryan M. Shannon (P74535)  
Counsel for Defendant Ruth Johnson  
DICKINSON WRIGHT, PLLC  
215 S. Washington Square  
Suite 200  
Lansing, MI 48933  
517-371-1730  
pellsworth@dickinsonwright.com  
ryoung@dickinsonwright.com  
rshannon@dickinsonwright.com

Gary P. Gordon (P26290)  
Jason T. Hanselman (P61813)  
Counsel for Non-Party Movants  
DYKEMA GOSSETT PLLC  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
Telephone: (517) 374-9100  
ggordon@dykema.com  
jhanselman@dykema.com

**NON-PARTY MICHIGAN REDISTRICTING RESOURCE INSTITUTE'S  
AMENDED MOTION TO QUASH SUBPOENA AND/OR FOR  
PROTECTIVE ORDER<sup>1</sup>**

---

<sup>1</sup> On July 25, 2018, Non-Party Michigan Redistricting Resource Institute filed a Motion to Quash Subpoena and/or For Protective Order. In that Motion, counsel incorrectly indicated that pursuant to Local Rule 7.1, counsel had sought concurrence in the relief requested and Plaintiffs' did not grant such concurrence. Concurrence has now been sought as correctly stated in the instant Amended Motion.

Non-Party Michigan Redistricting Resource Institute (“MRRI”) by and through their undersigned counsel, moves to quash the Subpoena *duces tecum* served upon it to the extent that it requests attorney-client and attorney work-product privileged information. Alternatively, MRRI requests that a Protective Order be issued precluding discovery of privileged information and states as follows:

Plaintiffs’ Counsel issued a *Subpoena duces tecum* (the “Subpoena,” attached as Exhibit A to the Brief) on non-party MRRI seeking production of certain documents relating to the Michigan Senate and House of Representatives’ introduction, consideration, or passage of Michigan’s current apportionment plan, constituting three redistricting maps derived from the passage of Michigan Senate Bill 498 (2011) and Michigan House Bill 4780 (2011) (the “Legislation”).

MRRI has no staff or members but was formed, in part, to assist in funding efforts to develop fair and legal redistricting plans for the Michigan legislature and for Michigan’s congressional districts. Plaintiffs’ counsel served the identical form based *Subpoena duces tecum* on various other non-parties as well as MRRI without regard to whether there is a reasonable, or any, likelihood that the requested documents exist or are possessed by the non-parties. The Subpoenas are an unadulterated “fishing” expedition. With regard to MRRI, the only documents in its possession are privileged invoices received from law firms retained to

provide legal advice to the House and Senate Republican caucuses and expert consultants, on information and belief, who were retained the law firms to consult with regarding issues related to redistricting. The invoices include detailed explanations of the services performed. Such detail exposes legal strategy, services performed, and other confidential and privileged information.

The attorney-client and attorney work privilege exceptions preclude providing the detailed information other than the amount of the invoices and the payee.

Pursuant to Local Rule 7.1, on July 26, 2018, counsel for MRRI sought Plaintiffs' counsel's concurrence in the relief requested by email and telephonically. Plaintiffs' have not responded to such concurrence request at this time.

WHEREFORE, pursuant to Fed. R. Civ. P. Rule 45(d)(3) and for the reasons set forth more fully in the accompanying brief, MRRI requests that the Court enter an order quashing the Subpoenas to the extent that they request privileged information protected by attorney-client and/or attorney work product privileges and, enter a protective order precluding inquiry by Plaintiffs into the privileged information.

Respectfully submitted,

Date: July 26, 2018

By: /s/ Gary P. Gordon

Gary P. Gordon (P26290)  
Jason T. Hanselman (P61813)  
DYKEMA GOSSETT PLLC  
Counsel for Non-Party Movants  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
Telephone: (517) 374-9100  
ggordon@dykema.com

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2018, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record. I hereby certify that I have mailed by United States Postal Service the same to any non-ECF participants.

/s/ Gary P. Gordon  
Gary P. Gordon (P26290)  
Counsel for Non-Party Movants  
DYKEMA GOSSETT PLLC  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
Telephone: (517) 374-9100  
Facsimile: (517) 374-9191  
ggordon@dykema.com

4830-6109-6814.2  
116331\000001